

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KPM ANALYTICS NORTH AMERICA
CORPORATION,

Plaintiff.

V.

BLUE SUN SCIENTIFIC, LLC, THE
INNOVATIVE TECHNOLOGIES GROUP &
CO., LTD., ARNOLD EILERT, MICHELLE
GAJEWSKI, ROBERT GAJEWSKI,
RACHAEL GLENISTER, GREGORY
ISRAELSON, IRVIN LUCAS, AND PHILIP
OSSOWSKI,

Defendants.

Civil Action No. 21-10572-MRG

**PLAINTIFF’S OPPOSITION TO INDIVIDUAL DEFENDANTS’ MOTION FOR
RELIEF FROM JUDGMENT**

Plaintiff KPM Analytics North America Corporation (“KPM”) opposes the Individual Defendants’ Motion for Relief from Judgment (the “Motion”) under Fed. R. Civ. P. 60(a)¹ on the merits and to preserve the issue for appeal should the Court grant the Motion.

Paragraph 12 of the Court’s Final Judgment and Permanent Injunction (ECF No. 317) (the “Final Judgment”) is clear and does not need to be corrected under Fed. R. Civ. P. 60(a). For the reasons set forth in the Plaintiff’s Supplemental Briefing on the Permanent Injunction, Attorneys’ Fees, Joint and Several Liability, and Interest Calculation, liability for the attorneys’ fee and costs should be assessed on a joint and several basis across all Defendants. *See*, ECF No. 299 at 12.

¹ The Individual Defendants have previously moved under Fed. R. Civ. P. 59(e) in their Motion to Alter or Amend Judgment (*see* ECF No. 251), so any further motion under Rule 59(e) has therefore been waived and the Individual Defendants’ motion should not be treated as a motion under Rule 59.

Alternatively, if the Court is inclined to allow the Motion and remove the words “jointly and” from paragraph 12 of the Final Judgment, then KPM specifically objects to this change to preserve its right to raise this issue on appeal.

Dated: March 5, 2025

Respectfully submitted,

**PLAINTIFF,
KPM Analytics North America, Corp.**

By its attorneys,

/s/ Scott R. Magee
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2025, a true and exact copy of the foregoing Opposition was served on all counsel of record through the Court’s ECF system.

/s/ Scott R. Magee
Scott R. Magee